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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,485	12/30/2003	Jon Arthur Roeple	9D-HL-25191	8742
45354 7590 03/14/2011 JOHN S. BEULICK (13307) ARMSTRONG TEASDALE LLP 7700 Forsyth Boulevard Suite 1800 St. Louis, MO 63105			EXAMINER RIGGLEMAN, JASON PAUL	
			ART UNIT 1711	PAPER NUMBER
			NOTIFICATION DATE 03/14/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.com

Office Action Summary

Application No.

10/748,485

Applicant(s)

ROEPKE ET AL.

Examiner

JASON P. RIGGLEMAN

Art Unit

1711

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-7, 9-12, 25-30 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 9-12, 25-30 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Applicant's request for reconsideration, filed 12/27/2010, is acknowledged. Current pending claims are 1, 3-7, 9-12, 25-30 and 32-34. Claims 2, 8, 13-24, and 31 are cancelled. Claims 1, 7, and 25 are amended.

Response to Amendment

2. Applicant's arguments with respect to claims 1, 3-7, 9-12, 25-30 and 32-34 have been considered. The applicant argues that that no combination of Je, Huttemann, and Olding teaches a reservoir that includes a lower siphon fitting and a removable reservoir cover wherein the reservoir has an upper siphon fitting that extends downwardly from the reservoir cover and he lower siphon fitting is removably coupled with the upper siphon fitting. Examiner states these are rejected limitations. Applicant argues that it would not have been obvious to modify Je to make the siphon caps integral since this would not necessarily permit the gap to be maintained between the siphon and the siphon cap as described in Je. Examiner disagrees -- if the caps were made integral it would make less moving parts and the device of Je would be needed to maintain the gap or else the siphon would not operate. Applicant argues that no combination of Je, Huttemann, and Olding teaches a conduit coupled to the reservoir cover. Examiner states that the applicant's disclosure does not teach that the conduit is coupled to the reservoir cover and that this is not enabled. For example, Examiner points to Fig. 3 of the applicant's disclosure.

3. The applicant's argument that it would not have been obvious to modify Je with Olding because it the proposed modification would render prior art invention unsatisfactory is not persuasive. Je teaches use of inclines to guide the liquid; however, it would not render Je

inoperable to modify with Olding. There is a rationale for combining these teachings since it creates a washing machine dispenser which injects diluted agent at a specific location in the space between the tub and basket – reducing bleach damage for instance. The arguments are not persuasive; however, the previous rejections are withdrawn since the amended claims contain new limitations which is not enabled.

4. The specification objection is withdrawn in view of the replacement specification for paragraph [0028]. The 112, first paragraph, rejection of claim 31 is withdrawn in view of the cancellation of the claim.

Remarks

5. For purposes of examination, “top cover” in claim 1 is assumed to be the top cover 54 of the washing machine described in the applicant’s specification, paragraph [0022], Fig. 3. This assumption was confirmed as correct in the applicant’s reply filed on 3/19/2007.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1, 3-7, 9-12, 25-30 and 32-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Paragraph [0020] of the applicant’s original disclosure briefly mentions that the conduit (132) can be a siphon tube coupled to the removable reservoir cover. In the previous claims, based on Fig. 3,

there was a conduit (132) attached to the reservoir and presumably the conduit (132), of Fig. 2, was extending from the lower siphon fitting (135) of the reservoir. In the amended claims the alternative embodiment is claimed; however, Examiner fails to understand how a siphon tube can be coupled to the reservoir cover. This would render the device inoperative since the tube extends into the annular space between the tub and basket. How would water siphon upwards? Examiner states that the conduit (132) coupled to the removable reservoir cover, referred to in paragraph [0020] which points to Figure 3, is likely referring to the upper siphon fitting (133) show in Fig. 3.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON P. RIGGLEMAN whose telephone number is (571)272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art Unit 1711

Jason P Riggleman
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